



Appeal Decision

Site visit made on 20 May 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2024

Appeal Ref: APP/L5810/W/23/3327273

Argyle House, 1 Dee Road, Richmond Upon Thames, Richmond TW9 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barry Doherty against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 23/0567/FUL.
 - The development proposed is a roof extension to provide a fourth floor to accommodate two new apartments. Reconfiguration of the cycle store and bin store at ground level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised plans before me formed part of the Council's determination and therefore no interests of any parties have been prejudiced.
3. An updated Daylight and Sunlight Report, dated 26 July 2023, was submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on evidence submitted as part of the appeal. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this report.
4. Following the appellant's appeal submission, the third reason for refusal relating to affordable housing provision is no longer disputed by the Council. I will address this matter later.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the living conditions of the occupants of neighbouring dwellings with particular regard to sunlight and outlook;
 - the effect on the significance of the nearby Sheendale Road Conservation Area as a designated heritage asset, through development within its setting; and
 - the effect on the significance of nearby buildings of Townscape Merit, on Sheendale Road as non-designated heritage assets.

Reasons

Residential amenity

6. Argyle House is a four storey building in mixed use comprising of offices and flats, that fronts on to Dee Road at the bottom of Sheendale Road. The immediate area is predominantly residential and neighbouring properties include Cherry Tree Court, a modest three storey block of flats, across the road from the appeal property.
7. The most recent Daylight and Sunlight Report concludes that the surrounding properties would be in full compliance with regard to the vertical sky component (VSC), NSL (daylight) and sunlight effects in line with British Research Establishment (BRE) guidelines. However, the results indicate that sunlight to a window serving a ground floor flat in neighbouring Cherry Tree Court would fall below BRE targets as a result of the development. There is no evidence before me to demonstrate that this window does not serve a habitable room.
8. The appeal building is located within very close proximity to the residential units in neighbouring Cherry Tree Court, which is much lower. Although existing mutual separation distances would be maintained, the increase in the overall height of the appeal building would reduce levels of outlook from habitable rooms by increasing the sense of enclosure to a degree that would be overbearing for occupants of flats Cherry Tree Court that have windows facing the appeal property.
9. In conclusion, to this main issue, the proposed extension would have a harmful impact on the living conditions of the occupants of neighbouring dwellings with particular regard to sunlight and outlook. Therefore, the proposal would be contrary to Policy LP8 of the London Borough of Richmond Upon Thames Local Plan 2018 (LP) because it requires among other things that the design and layout of buildings enables good standards of sunlight to be achieved in existing properties affected by new development and that buildings are not visually intrusive or have an overbearing impact as a result of their height.

Conservation Area

10. The Sheendale Road Conservation Area (CA) comprises of a distinctive residential development between Mortlake Road and the railway line to the south. The topography of the area, and the linear pattern of development and two storey domestic scale allows for a wide, tree-lined street and open vistas.
11. Argyle House is directly outside the boundary of the CA and forms part of its setting. It is a relatively modern construction, of a simple, uniform rectangular built form, and is significantly larger than the traditional properties on Sheendale Road in terms of height, width and depth. The appeal property, like other modern and larger buildings in the immediate area that form the setting of the CA, contrasts with the properties in the CA and their more modest proportions and finer traditional detailing. As such, Argyle House is an example of the evolution of development in the area surrounding the CA and has a neutral effect on the setting of the CA.
12. The significance of the CA is derived in part by the clear view south along Sheendale Road, which is defined by the tightly packed frontages of the semi-detached miniature villas, which maintain a consistent height and building line,

punctuated by recessed entrance porches. The relationship between the width of the street and the height of the properties instils a sense of openness which is a positive contribution to the setting of the properties. The CA derives much of its character and appearance from these features, which all make important contributions its historical and architectural significance.

13. The proposal is for the erection of an extension of a previous extension on part of the fourth floor, at the side which adjoins Sheendale Road, in order to form two additional flats. The flats would be stepped back further from the main parapet wall than the floor below and clad in dark metal to reflect the existing fourth floor.
14. The addition of a fifth storey to part of the roof would create a stepped appearance, which would increase the visual prominence of the building. Notwithstanding this, Argyle House along with other larger buildings in the area forms a contrast to the domestic scale of the traditional properties within the conservation area. The main façade of the side elevation of Argyle House continues the established building line of the existing properties that front on to Sheendale Road. The proposed extension would not restrict views south or impact on the sense of openness within the wider street scene when experienced from both within and beyond the CA. As such the proposed scheme have a neutral effect on the significance of the CA.
15. For the reasons detailed above, the proposal would preserve the significance of the nearby CA through development within its setting. As such, the proposal is in accordance with Policies LP 1 and LP 3 of the LP. These policies are consistent with the National Planning Policy Framework (the Framework) and state that the heritage of the borough and its villages will need to be maintained and great weight should be given to the conservation of the heritage asset when considering the impact of a proposed development on the significance of the asset.

Buildings of Townscape Merit

16. The majority of the properties on Sheendale Road are well preserved examples of traditional mid-19th century architecture and 31 are noted as buildings of townscape merit (BTM). I consider the BTM on Sheendale Road as non-designated heritage assets in the terms of the framework.
17. The appeal site also forms part of the setting of the BTMs on Sheendale Road and as such the development would indirectly relate to non-designated heritage assets. The area around the traditional properties on Sheendale Road has evolved over time and includes the development of larger buildings containing flats, including Argyle House. These larger buildings provide a backdrop and contemporary contrast to the scale, built form and traditional proportions of the BTMs. I consider that the upward extension of Argyle House would not change this pattern of development to any significant degree. As such, the appeal proposal would preserve the setting of these non-designated heritage assets and the contribution the appeal building currently makes to their significance.
18. For the reasons detailed above the proposal would not harm the significance of the BTMs on Sheendale Road through development within their setting. As such, the proposal is in accordance with Policies LP 1 and LP 4 of the LP which state that the heritage of the borough and its villages will need to be

maintained and seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets.

Other Matters

19. There is a requirement under Policy LP36 of the LP that schemes of this scale and type contribute to the provision of offsite affordable housing. The divergent relationship of Policy LP36 with the government's affordable housing policy, as now expressed in Paragraph 65 of the Framework, was found to be justifiable when the LP was examined, owing to the exceptional need for affordable housing in Richmond. There is nothing before me to indicate that these circumstances have changes.
20. A signed and dated Section 106 agreement securing a planning obligation in respect to an affordable housing contribution of £60,547 has been submitted in support of the appeal. The contribution reflects the Council's calculation of the required sum for this proposal. I am satisfied that the submission of the Section 106 addresses the Council's third reason for refusal as it would accord with the terms of Policy LP36 of the LP.
21. The Council has not found any harm in respect to the remaining technical matters including in terms of housing mix, privacy, noise, highways, fire safety, flood risk, drainage, ventilation, space, refuse and cycle storage. From the submitted evidence and my site observations I have no cause to find otherwise. In my assessment I have also found that the proposed scheme would not harm the significance of the CA through development within its setting and would not harm the significance of the BTMs on Sheendale Road. All of these matters are of neutral consequence to my assessment.

Conclusion

22. In view of the identified conflict with Policy LP8 of the LP in regard to living conditions the appeal proposal would conflict with the development plan as a whole.
23. The matters weighing in favour of the appeal scheme, including the contribution to the housing supply and affordable units do not outweigh the conflict with the development plan. There are no material considerations to indicate a decision taken other than in accordance with the development plan would be justified.
24. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR